

MAY 19 2005

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Client/Matter No.: PHD 99,088 (7790/352)

of Pages: 25
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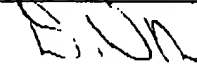
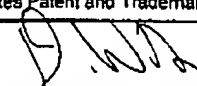
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	PHD 99,068 (7780/352)
	Application Number	09/763,845
	Filing Date	FEBRUARY 27, 2001
	First Named Inventor	CHRISTOPH HERMANN
	Group Art Unit	2637
	Examiner	AHN, SAM K.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One-Month Petition for Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: Replacement Sheets 1/4, 3/4 and 4/4 <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below). <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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Indep		Minus		0	x \$100	0		x \$200	
First Presentation of Multiple Dep. Claim					+ \$180	—		+ \$360=	
					total add'l fee			total add'l fee	
					\$ 0			\$	

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Firm or Individual name	DARRIN WESLEY HARRIS Registration No. 40,636 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			Date May 19, 2005
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DARRIN WESLEY HARRIS (40,636)
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Case No. PHD 99,088
(7790/352)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:

CHRISTOPH HERMANN

Serial No.: 09/763,845

Filed: FEBRUARY 27, 2001

For: WIRELESS NETWORK FOR
REQUESTING A CONTENTION
CHANNEL

Examiner: AHN, SAM K.

Group Art Unit: 2634

APPEAL BRIEFMail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows:

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1. REAL PARTY IN INTEREST

The real party in interest is the assignee of record U.S. Philips Corporation, a Delaware corporation having an office and a place of business at 1251 Avenue of the Americas, New York, NY 10020-1104

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2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 14-33 are currently pending in the present application, and are the claims on appeal. See, Claims Appendix.

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4. STATUS OF AMENDMENTS

Appellant filed an after final request for reconsideration of pending claims 1-10 in response to a Final Office Action dated August 3, 2004. The request for reconsideration contained an amendment to independent claim 14 for purposes of clarifying limitations related to the terminal, an amendment to dependent claims 21 and 22 for correcting a dependency of these claims from cancelled claim 13 to independent claim 14, and an amendment to claim 25 for purposes of correcting a type of "receive" to "recciver". These amendments were not entered into the record by Examiner Ahn. An Office Action dated April 19, 2005, stated the aforementioned amendment to claims 21 and 22 would be entered upon receiving this Appeal Brief in a timely manner.

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5. SUMMARY OF THE CLAIMED INVENTION

As illustrated in FIGS. 1 and 2, a wireless network employs a base station 1 and a terminal 4 assigned to base station 1 for exchanging user data and control data. See, U.S. Patent Application Serial No. 09/763,845 at page 3, lines 24-33.

Generally, terminal 4 transmit a first signaling sequence S as an indication of a wish by terminal 4 to use one of a plurality of contention channels. In response to receiving the first signaling sequence S, base station 1 generates and detects a pulse representative of a correlation of the first signaling sequence S, and transmits a provision message over one or more contention channels to terminal 4 in response to generating and detecting the pulse. See, U.S. Patent Application Serial No. 09/763,845 at page 5, line 22 to page 6, line 25.

In various embodiments, terminal 4 transmits a signaling sequence S as one of a Gold sequence, a Kasami sequence or a Golay sequence during a specific time slot of a transmitting-end reference frame where either:

(1) after receiving the provision message over the at least one contention channel from base station 1, terminal 4 transmits a terminal identification and a data packet over a contention channel to base station 1,

(2) after receiving the provision message over the at least one contention channel from base station 1, terminal 4 transmits a terminal identification and a data packet over a first contention channel to base station 1 in response to the provision message indicating the specific time slot of the transmitting-end reference frame,

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(3) transmits a second signaling sequence S to base station 1 in response to a failure to receive an acknowledgement of the reception of the first signaling sequence S by base station 1 within a predefined period of time after transmission of the first signal sequence to base station 1,

(4) terminal 4 transmits a second signaling sequence S to base station 1 in response to a failure to receive an acknowledgement of a reception of data by base station 1 over an assigned contention channel; and

(5) terminal 4 re-transmits the first signaling sequence S to base station 1 with an increase energy in response to a failure to receive an acknowledgement of the reception of the first signaling sequence S by base station 1 within a predefined period of time after the first transmission of the first signal sequence S to base station 1.

See, U.S. Patent Application Serial No. 09/763,845 at page 6, line 26 to page 8, line 19.

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6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL.

Claims 21-23 stand finally rejected under 35 U.S.C. §112, ¶2 as being indefinite. Claims 14-17, 21-28, 32 and 33 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,056 B1 to *Kanterakis* et al. in view of U.S. Patent No. 6,400,752 B1 to *Suzuki* et al. Claims 18-20 and 29-31 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,056 B1 to *Kanterakis* et al. in view of U.S. Patent No. 6,400,752 B1 to *Suzuki* et al. and U.S. Patent No. 6,621,897 B1 to *Jung* et al.

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7. ARGUMENT

Indefiniteness Rejection. Currently, dependent claims 21 and 22 incorrectly depend from cancelled claim 13. The Appellant attempted to amend dependent claims 21 and 22 to correctly depend from independent claim 14, but Examiner Ahn did not enter the amendment into the record. Thus, the Appellant respectfully requests an entering of the amendment to dependent claims 21 and 22 to correctly depend from independent claim 14 and a withdrawal of the rejection of claims 21-23 under 35 U.S.C. §112, ¶2 as being indefinite.

Kanterakis in view of Suzuki obviousness rejection. The Appellant respectfully traverses the obviousness rejection of claims 14-17, 21-28, 32 and 33, because the combination of *Kanterakis* and *Suzuki* fails to teach or suggest a “signaling sequence” as recited in claims 14, 15, 17, 21-24, 26-38 and 32-33.

Specifically, during examination, Examiner Ahn must interpret claims 14, 15, 17, 21-24, 26-38 and 32-33 as broadly as their terms reasonably allow. This means that the words of claims 14, 15, 17, 21-24, 26-38 and 32-33 must be given their plain meaning unless the Appellant has provided a clear definition in the specification. See, MPEP §2111.01.

The Appellant respectfully asserts that the Appellant has provided a clear definition of the term “signaling sequence” as recited in claims 14, 15, 17, 21-24, 26-38

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and 32-33. Specifically, the Appellant has clearly defined the term "signaling sequence" as a pseudo-random square-wave signal. See, *U.S. Patent Application Serial No. 09/763,845* at page 5, lines 27-29. The Appellant further distinguished the term "signaling sequence" from a random-access burst signal including a preamble. See, *U.S. Patent Application Serial No. 09/763,845* at page 1, lines 10-18.

By comparison, *Kanterakis* teaches an access-burst signal that includes a preamble. See, the abstract of *Kanterakis*. As such, the access-burst signal of *Kanterakis* does not qualify as a signaling sequence as defined by the Appellant and recited in claims 14, 15, 17, 21-24, 26-38 and 32-33. Also, a review of *Suzuki* reveals that none of the signals of *Suzuki* qualifies as a signaling sequence defined by the Appellant and recited in claims 14, 15, 17, 21-24, 26-38 and 32-33.

Additionally, the assertion herein by the Appellant of the term "signaling sequence" is not an attempt by the Appellant to read limitations from the specification into claims 14, 15, 17, 21-24, 26-38 and 32-33, because the recitation of the term "signaling sequence" in claims 14, 15, 17, 21-24, 26-38 and 32-33 requires the term "signaling sequence" to be defined, and such a definition was provided in the specification by the Appellant.

Withdrawal of the rejection of claims 14-17, 21-28, 32 and 33 under §103(a) as being unpatentable over *Kanterakis* in view of *Suzuki* is therefore respectfully requested.

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Kanterakis in view of Suzuki and Jung obviousness rejection. The Appellant respectfully traverses the obviousness rejection of claims 18-20 and 29-31, because the combination of *Kanterakis* and *Suzuki* fails to teach or suggest a “signaling sequence” as recited in claims 14, 18-20, 26 and 29-31.

Again, during examination, Examiner Ahn must interpret claims 14, 18-20, 26 and 29-31 as broadly as their terms reasonably allow. This means that the words of claims 14, 18-20, 26 and 29-31 must be given their plain meaning unless the Appellant has provided a clear definition in the specification. See, MPEP §2111.01.

The Appellant respectfully asserts that the Appellant has provided a clear definition of the term “signaling sequence” as recited in claims 14, 18-20, 26 and 29-31. Specifically, the Appellant has clearly defined the term “signaling sequence” as a pseudo-random square-wave signal. See, *U.S. Patent Application Serial No. 09/763,845* at page 5, lines 27-29. The Appellant further distinguished the term “signaling sequence” from a random-access burst signal including a preamble. See, *U.S. Patent Application Serial No. 09/763,845* at page 1, lines 10-18.

By comparison, *Kanterakis* teaches an access-burst signal that includes a preamble. See, the abstract of *Kanterakis*. As such, the access-burst signal of *Kanterakis* does not qualify as a signaling sequence as defined by the Appellant and recited in claims 14, 15, 17, 21-24, 26-38 and 32-33. Also, a review of *Suzuki* and *Jung* reveals that none of the signals of *Suzuki* or *Jung* qualifies as a signaling sequence defined by the Appellant and recited in claims 14, 18-20, 26 and 29-31.

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Additionally, the assertion herein by the Appellant of the term "signaling sequence" is not an attempt by the Appellant to read limitations from the specification into claims 14, 18-20, 26 and 29-31, because the recitation of the term "signaling sequence" in claims 14, 18-20, 26 and 29-31 requires the term "signaling sequence" to be defined, and such a definition was provided in the specification by the Appellant.

Withdrawal of the rejection of claims 18-20 and 29-31 under §103(a) as being unpatentable over *Kanterakis* in view of *Suzuki* and *Jung* is therefore respectfully requested.

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Dated: May 19, 2005

Respectfully submitted,

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CLAIMS APPENDIX

14. A wireless network, comprising:

a base station;

a terminal assigned to the base station for exchanging user data and control data,
the terminal operable to transmit a first signaling sequence as an indication of a wish by
the terminal to use one of a plurality of contention channels;

wherein the base station is operable to generate and detect a pulse representative
of a correlation of the first signaling sequence in response to receiving the first signaling
sequence; and

wherein the base station is further operable to transmit a provision message over
at least one contention channel to the terminal in response to generating and detecting the
pulse.

15. The wireless network of claim 14,

wherein the terminal is further operable to transmit the first signaling sequence
during a specific time slot of a transmitting-end reference frame; and

wherein, after receiving the provision message over the at least one contention
channel from the base station, the terminal is further operable to transmit at least one of a
terminal identification and a data packet over a first contention channel to the base
station.

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16. The wireless network of claim 14, wherein the base station includes:
- a matched filter operable to generate the pulse; and
 - a peak detector operable to detect a peak of the pulse during a specific time slot of a receiving-end reference frame.
17. The wireless network of claim 14,
- wherein the terminal is further operable to transmit the first signaling sequence as one of a Gold sequence, a Kasami sequence or a Golay sequence during a specific time slot of a transmitting-end reference frame.
18. The wireless network of claim 14,
- wherein the terminal is further operable to transmit a second signaling sequence to the base station in response to a failure to receive an acknowledgement of the reception of the first signaling sequence by the base station within a predefined period of time after transmission of the first signal sequence to the base station.
19. The wireless network of claim 14,
- wherein, subsequent to receiving the provision message, the terminal is further operable to transmit a second signaling sequence to the base station in response to a failure to receive an acknowledgement of a reception of data by the base station over an assigned contention channel.

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20. The wireless network of claim 14,
wherein the terminal is further operable to re-transmit the first signaling sequence to the base station with an increase energy in response to a failure to receive an acknowledgement of the reception of the first signaling sequence by the base station within a predefined period of time after the first transmission of the first signal sequence to the base station.

21. The wireless network of claim 14,
wherein the terminal is further operable to transmit the first signaling sequence during a specific time slot of a transmitting-end reference frame; and
wherein, after receiving the provision message over the at least one contention channel from the base station, the terminal is further operable to transmit at least one of a terminal identification and a data packet over a first contention channel to the base station in response to the provision message indicating the specific time slot of the transmitting-end reference frame.

22. The wireless network of claim 14,
where the first signaling sequence is one of a plurality of signaling sequences associated with the wireless network.

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23. The wireless network of claim 22,
wherein each signaling sequence is further associated with a different data rate.
24. A base station in a wireless network for exchanging user data and control data with a terminal, the base station comprising:
a receiver operable to generate and detect a pulse representative of a correlation of a signaling sequence in response to receiving the signaling sequence from the terminal;
and
a transmitter operable to transmit a provision message over at least one contention channel to the terminal in response to a generation and a detection of the pulse by the receiver.
25. The base station of claim 24, wherein the receive includes:
a matched filter operable to generate the pulse; and
a peak detector operable to detect a peak of the pulse during a specific time slot of a receiving-end reference frame.
26. A terminal in a wireless network for exchanging user data and control data a base station, the terminal comprising:

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a transmitter operable to transmit a first signaling sequence to the base station, the signaling sequence being indicative of a wish to use one of a plurality of contention channels; and

a receiver operable to receive a provision message from the base station over at least one contention channel subsequent to the transmission of the first signaling sequence by the transmitter.

27. The terminal of claim 26,

wherein the transmitter is further operable to transmit the first signaling sequence during a specific time slot of a transmitting-end reference frame; and

wherein, after receiving the provision message over the at least one contention channel from the base station, the transmitter is further operable to transmit at least one of a terminal identification and a data packet over a first contention channel to the base station.

28. The terminal of claim 26,

wherein the transmitter is further operable to transmit the first signaling sequence as one of a Gold sequence, a Kasami sequence or a Golay sequence during a specific time slot of a transmitting-end reference frame.

29. The terminal of claim 26,

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wherein the transmitter is further operable to transmit a second signaling sequence to the base station in response to a failure to receive an acknowledgement of the reception of the first signaling sequence by the base station within a predefined period of time after transmission of the first signal sequence to the base station.

30. The terminal of claim 26,

wherein, subsequent to receiving the provision message, the transmitter is further operable to transmit a second signaling sequence to the base station in response to a failure to receive an acknowledgement of a reception of data by the base station over an assigned contention channel.

31. The terminal of claim 26,

wherein the transmitter is further operable to re-transmit the first signaling sequence to the base station with an increase energy in response to a failure to receive an acknowledgement of the reception of the first signaling sequence by the base station within a predefined period of time after the first transmission of the first signal sequence to the base station.

32. The terminal of claim 26,

wherein the transmitter is further operable to transmit the first signaling sequence during a specific time slot of a transmitting-end reference frame; and

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wherein, after receiving the provision message over the at least one contention channel from the base station, the transmitter is further operable to transmit at least one of a terminal identification and a data packet over a first contention channel to the base station in response to the provision message indicating the specific time slot of the transmitting-end reference frame.

33. A method of exchanging user data and control data in a wireless network between a base station and a terminal, the method comprising:

a transmission of a signaling sequence from the terminal to the base station, the signaling sequence being indicative of a request by the terminal to use of one of a plurality of contention channels;

a generation and a detection of a pulse being representative of a correlation of the signaling sequence by the base station in response to the base station receiving the signaling sequence from the terminal; and

a transmission of a provision message by the base station over at least one contention channel to the terminal in response to a generation and a detection of the pulse by the base station.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.